

Remarks

Rejections of Claims 1-7 and 31 Under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1-7 and 31 as anticipated under 35 U.S.C. § 102(e) by published U.S. patent application number 2002/0122210 naming Ilbery (hereinafter referred to as Ilbery). The Applicants respectfully request careful consideration of the following explanations regarding the rejections of claims 1-7 and 31.

With respect to the status of Ilbery as prior art under other provisions of 35 U.S.C. § 102(e), the Applicants hereby file a Declaration under 37 C.F.R. § 1.131 establishing the invention of the subject matter of claims 1-7 and 31 prior to December 28, 2001, the 35 U.S.C. § 102(e) filing date of Ilbery. Because Ilbery has been removed as a prior art reference by the attached Declaration under 37 C.F.R. § 1.131, the Applicants respectfully contend that a valid prima facie anticipation rejection of claims 1-7 and 31 is not present for at least this reason. Accordingly, the Applicants respectfully request that the rejection of Claims 1-7 and 31 under 35 U.S.C. § 102(e) as anticipated by Ilbery be withdrawn. In antedating Ilbery, the Applicant DOES NOT admit that Ilbery discloses subject matter upon which the limitations of claims 1-7 and 31 read as asserted by the Examiner in making the rejections of claims 1-7 and 31 under 35 U.S.C. § 102(e).

Rejection of Claim 8 Under 35 U.S.C. § 103(a)

The Examiner has rejected claim 8 as obvious under 35 U.S.C. § 103(a) over Ilbery. Claim 8 includes the limitations of "the first one of the plurality of segments includes ones of the pixels included in the second one of the plurality of segments". In item 5, pages 15 and 16 of the office action, the Examiner admits that Ilbery does not disclose all the limitations of claim 8.

As the Applicant knows the Examiner is well aware, according to MPEP 2143, one element that must be met to make a valid prima facie obviousness rejection is that "the prior art reference (or references when combined) must

teach or ***suggest all the claim limitations.***" (emphasis added) Because the Examiner admits that Ilbery does not disclose subject matter upon which all the limitations of claim 8 read, the Applicant submits that a valid prima facie obviousness rejection of claim 8 is not present for at least this reason. Accordingly, the Applicant respectfully requests withdrawal of the rejection of claim 8 under 35 U.S.C. § 103(a).

In making the rejection of claim 8, the Applicant submits that the Examiner has suggested that the limitations of claim 8 are well known in the prior art (please see, for example, item 5, page 16 of the office action where the Examiner states "it would have been obvious to a person of ordinary skill in the art to include pixels included in the second one of the plurality of segments in the first one of the plurality of segments"). The Applicant DOES NOT admit that it is well known in the art for "halftoning a first plurality of values, corresponding to a first one of the plurality of rows in a first one of the plurality of segments, to form a first plurality of error terms" and for "halftoning, using at least one of the first plurality of error terms, on a second plurality of values corresponding to a second one of the plurality of rows in a second one of the plurality of segments" where "the first one of the plurality of segments includes ones of the pixels included in the second one of the plurality of segments". The Applicant submits that at least these limitations of claim 8 distinguish claim 8 over the prior art relied upon by the Examiner in making the rejections of claim 8 under U.S.C. § 103(a).

As the Applicant knows the Examiner is well aware, MPEP 2144.03A states that, "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." The Applicant submits that the limitations of claim 8 recited above are not "well known". The Applicant respectfully requests that the Examiner cite a reference, if the rejection is maintained, that discloses the limitations of claim 8 recited above according to the requirements of MPEP 2144.03C, which states "If applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the

rejection is to be maintained".

Rejections of Claims 9-26 Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 9-26 as obvious under 35 U.S.C. § 103(a) over Ilbery. Because Ilbery has been removed as a prior art reference by the attached Declaration under 37 C.F.R. § 1.131, the Applicants respectfully contend that a valid prima facie obviousness rejection of claims 9-26 is not present for at least this reason. Accordingly, the Applicants respectfully request withdrawal of the rejections of claims 9-26 Under 35 U.S.C. § 103(a). In antedating Ilbery, the Applicant does not admit that Ilbery discloses subject matter upon which limitations of claims 9-26 read as asserted by the Examiner in making the rejections of claims 9-26 under U.S.C. § 103(a).

In rejecting claim 9, the Examiner admits, in item 4 on page 6, that Ilbery does not disclose the limitations recited in claim 9 of "**a first processing device to perform halftoning on a first set of values** corresponding to a first set of pixels" (emphasis added) and of "**a second processing device to perform halftoning on a second set of values** corresponding to a second set of pixels". (emphasis added)

Furthermore, in rejecting claim 9, the Examiner asserts, in Item 4, pages 6 and 7, of the office action that "it would have been obvious to a person of ordinary skill in the art to have one or more processing devices to perform halftoning on a set of values corresponding to a set of pixels because it is well known in the art to modularize processes or processing devices to better perform a certain function, have a particular arrangement, etc." The Applicant DOES NOT admit that it is "well known in the art" for an apparatus to include "**a first processing device to perform halftoning on a first set of values** corresponding to a first set of pixels" (emphasis added) and of "**a second processing device to perform halftoning on a second set of values** corresponding to a second set of pixels with ones of the first set of pixels located adjacent to the second set of pixels and with ones of the second set of pixels located adjacent to the first set of pixels". (emphasis added) The Applicant

submits that at least these limitations of claim 9 distinguish claim 9 over the prior art relied upon by the Examiner in making the rejections of claims 9-26 under U.S.C. § 103(a).

As previously mentioned, MPEP 2144.03A states that, "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." The Applicant submits that it is not "well known" for an apparatus to include "a first processing device to perform halftoning on a first set of values corresponding to a first set of pixels" and include "a second processing device to perform halftoning on a second set of values corresponding to a second set of pixels". The Applicant respectfully requests that the Examiner cite a reference, if the rejection is maintained, that discloses the limitations of claim 9 recited above according to the requirements of MPEP 2144.03C, which states "If applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained".

Rejections of Claims 27-28 Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 27 and 28 as obvious under 35 U.S.C. § 103(a) over Ilbery. As the Applicant knows, the Examiner is well aware, according to MPEP 2143, one element that must be met to make a valid prima facie obviousness rejection is that "the prior art reference (or references when combined) must teach or **suggest all the claim limitations.**" (emphasis added)

Claim 27 recites the limitations of "**a first processing device** to perform halftoning on a first set of values, included in the color values, corresponding to a first set of pixels included in the pixels forming the image to form a first set of halftone values, **a second processing device** to perform halftoning on a second set of values, included in the color values, corresponding to a second set of pixels included in the pixels forming the image to form a second set of halftone values".

In item 4 on page 8 of the office action, the Examiner admits that Ilbery does not disclose the "first processing device" and the "second processing device". Furthermore, the Examiner asserts that "it would have been obvious to a person of ordinary skill in the art to have one or more processing devices to perform halftoning on a set of values corresponding to a set of pixels because it is well known in the art to modularize processes or processing devices to better perform a certain function".

The Applicant submits that it is NOT well known for an "imaging device" to include "a first processing device to perform halftoning on a first set of values, included in the color values, corresponding to a first set of pixels included in the pixels forming the image to form a first set of halftone values" and to include "a second processing device to perform halftoning on a second set of values, included in the color values, corresponding to a second set of pixels included in the pixels forming the image to form a second set of halftone values". The Applicant traverses this assertion by the Examiner using reasoning similar to the explanation provided previously with respect to claim 9. The Applicant respectfully requests that the Examiner "provide documentary evidence in the next office action if the rejection is to be maintained".

Claim 27 includes the limitations of "a *bus* coupling the first processing device and the second processing device for transferring a third set of values from the halftoning of the ones of the first set of pixels to the second processing device and for transferring a fourth set of values from the halftoning of the ones of the second set of pixels to the first processing device". (emphasis added) In item 4 on page 7 of the office action, the Examiner seems to assert that these limitations of claim 27 read upon subject matter disclosed in "Fig. 9 and paragraphs 163-194" of Ilbery. In this section of the office action, the Examiner states that the "reference shows that a current scanline error buffer distributes error values to a next scanline error buffer that will then be utilized in the processing of the next scanline, thereby transferring values corresponding to sets of pixels . . ."

In this section of the office action, the Examiner seems to be asserting that

"bus" of claim 27 reads upon the "current scanline error buffer". But, as shown in Figure 9 of Ilbery (and as indicated in paragraph 0170 of Ilbery), "the combined pixel error" is "distributed" in the direction of the arrows 932 and 928 shown in Figure 9 that, not in the direction opposite. That is, Ilbery does not disclose subject matter indicating "distribution" of the "combined pixel error" in both directions. However as recited in claim 27 the **"bus"** is **"for transferring a third set of values . . . to the second processing device"** and the **"bus"** is **"for transferring a fourth set of values . . . to the first processing device"**. Thus, the Applicant submits that the sections of Ilbery relied upon in making the subject matter do not disclose subject matter upon these limitations of claim 27 read.

As the Applicant knows the Examiner is well aware, according to MPEP 2143, one element that must be met to make a valid prima facie obviousness rejection is that "the prior art reference (or references when combined) must teach or **suggest all the claim limitations.**" (emphasis added) Because the sections of Ilbery relied upon by the Examiner in making the rejection of claim 27 do not disclose subject matter upon which all the limitations of claim 27 read, the Applicant submits that a valid prima facie obviousness rejection of claim 27 is not present for at least this reason. Accordingly, the Applicant respectfully requests withdrawal of the rejection of claim 27 under 35 U.S.C. § 103(a).

Claim 28 is dependent upon claim 27 and therefore includes all the limitations of claim 27. Because, the Applicant submits, claim 27 is nonobvious, claim 28 is nonobvious for at least the reason that claim 28 is dependent upon claim 27. Accordingly, the Applicant respectfully requests withdrawal of the rejection of claim 28 under 35 U.S.C. § 103(a).

Rejections of Claim 28 Under 35 U.S.C. § 103(a)

The Examiner has rejected claim 29 as obvious in view of United States patent number 6,870,642 issued to Ostromoukhov, hereinafter referred to as Ostromoukhov. In item 6 on pages 17 and 18 of the office action, the Examiner provides a list of limitations from claim 29 that the Examiner admits subject matter is not disclosed in Ostromoukhov upon which these limitations read. As

previously mentioned, according to MPEP 2143, one element that must be met to make a valid prima facie obviousness rejection is that "the prior art reference (or references when combined) must teach or **suggest all the claim limitations.**" (emphasis added) The Applicant respectfully submits that the Examiner has not met the Examiner's burden of making a valid prima facie obviousness rejection of claim 29. Therefore the Applicant respectfully requests withdrawal of the rejection of claim 29 under 35 U.S.C. § 103(a).

In item 6 on page 19, the Examiner suggests that limitations of claim 29 for which subject matter is not disclosed in Ostromoukhov upon which these limitations read are "well known in the art". The Applicant DOES NOT admit that these limitations of claim 29 are "well known in the art". The Applicant traverses the assertion by the Examiner that the limitations of claim 29 for which Ostromoukhov does not disclose subject matter upon which these claim limitations of claim 29 read are "well known". Based upon the requirements of MPEP 2144.03A, as detailed in the explanation provided with respect to the rejections of claim 9, the Applicant respectfully requests that the Examiner "provide documentary evidence in the next office action if the rejection is to be maintained".

Claim 30 is dependent upon claim 29 and therefore includes all the limitations of claim 29. Because, the Applicant submits, claim 29 is nonobvious, claim 30 is nonobvious for at least the reason that claim 29 is dependent upon claim 29. Accordingly, the Applicant respectfully requests withdrawal of the rejection of claim 30 under 35 U.S.C. § 103(a).

Conclusion

The Applicant respectfully submits that the subject application is in a condition for allowance. Allowance is respectfully requested.

Respectfully submitted,

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